

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

WILLIAM BRADFORD,)
)
Plaintiff,)
)
vs.) Case No. 4:03CV1699 CDP
)
DORN SCHOFFMAN, et al.,)
)
Defendants.)

MEMORANDUM AND ORDER

This matter is before me on plaintiff's motion for appointment of counsel.

There is no constitutional or statutory right to appointed counsel in a civil case.

Nelson v. Redfield Lithograph Printing, 728 F.2d 1003, 1004 (8th Cir. 1984). In determining whether to appoint counsel, the Court considers several factors including (1) whether the plaintiff has presented non-frivolous allegations supporting his prayer for relief; (2) whether the plaintiff will substantially benefit from the appointment of counsel; (3) whether there is a need to further investigate and present the facts related to the plaintiff's allegations; and (4) whether the factual and legal issues presented by the action are complex. See Battle v. Armontrout, 902 F.2d 701, 702 (8th Cir. 1990); Johnson v. Williams, 788 F.2d 1319, 1322-23 (8th Cir. 1986); Nelson, 728 F.2d at 1005.

After considering these factors, I do not believe that the facts and legal issues

involved are so complicated that the appointment of counsel is warranted at this time. I will therefore deny plaintiff's motion for appointment of counsel.

Plaintiff has also filed a motion to amend the case management order.

Plaintiff's motion requests an extension of time to complete discovery and file motions for summary judgment. Defendants have not objected to the motion, and their time for doing so has expired.

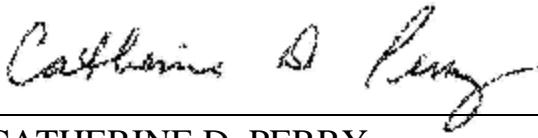
Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for appointment of counsel [#41] is denied.

IT IS FURTHER ORDERED that plaintiff's motion to amend the case management order [#39] is granted, and the case management order previously entered in this case is amended only as follows:

- 1) All discovery in this case must be completed by November 1, 2005; and
- 2) Any motion for summary judgment must be filed no later than December 1, 2005. Failure to file such a motion within that time period will waive a party's right to do so before trial.

All other deadlines remain in full force and effect.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 22nd day of September, 2005.